

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOBAR HOLDING CORPORATION, ROBERT BUCK,
Individually, and ROBERT BUCK, as Executor of the
Estate of JOAN BUCK, and ROBERT BUCK, individually
and ROBERT BUCK, As Executor of the Estate of JOAN
BUCK, derivatively as shareholders on behalf of JOBAR
HOLDING CORPORATION,

Plaintiffs,

-against-

DAVID HALIO,

Defendant.
-----X

Case No.:
1:23-cv-11217 (JGLC) (GS)

**DECLARATION OF EMANUEL
KATAEV, ESQ. IN SUPPORT OF
MOTION FOR SANCTIONS**

EMANUEL KATAEV, ESQ., an attorney duly admitted to practice law before the
Courts of the State of New York and before this Court declares the following to be true under the
penalties of perjury:

1. I am a member of Sage Legal LLC, counsel for Defendant Dr. David Halio
(hereinafter “Dr. Halio” or the “Defendant”) in the above-captioned case. As such, I am familiar
with all of the facts and circumstances heretofore had herein.

2. I make this declaration in support of Defendant’s motion pursuant to Rule 11 of the
Federal Rule of Civil Procedure (hereinafter referred to as “Rules” or “Rule”), 28 U.S.C. § 1927,
and this Court’s inherent power for sanctions against Plaintiffs and their counsel.

3. Annexed hereto as **Exhibit “A”** is a copy of the Rule 11 safe harbor letter, notice
of motion, and memorandum of law that was served upon Plaintiff’s counsel on April 12, 2024 via
certified mail.

4. Annexed hereto as **Exhibit “B”** is a copy of the certified mail receipt.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2024.

/s/ Emanuel Kataev, Esq.
Emanuel Kataev, Esq.

VIA CERTIFIED MAIL & ECF

Scarinci & Hollenbeck, LLC
Attn: Daniel S. Brecher, Esq.
519 Eighth Avenue, 25th Floor
New York, NY 10018
(212) 286-0747 (office)
(917) 861-5057 (cellular)
(212) 808-4155 (facsimile)
dbrecher@sh-law.com

Attorneys for Plaintiffs

EXHIBIT A

Sage Legal LLC

18211 Jamaica Avenue • Jamaica, NY 11423-2327 • (718) 412-2421 • emanuel@sagelegal.nyc

April 12, 2024

VIA CERTIFIED MAIL

Scarinci & Hollenbeck, LLC
Attn: Dan Brecher, Esq.
519 Eighth Avenue, 25th Floor
New York, NY 10018

Re: Jobar Holding Corp., et al. v. Halio
Case No.: 1:23-cv-11217 (JGLC) (GS)

Dear Mr. Brecher:

As you know, I represent Defendant Dr. David Halio (“Dr. Halio”) in the above-captioned case. We have reviewed the pleadings and your memorandum of law in opposition to Dr. Halio’s motion to dismiss that you filed with the court on March 28, 2024. As explained further in the enclosed Defendant’s motions for sanctions, which we have not yet filed, the the pleadings and your memorandum of law in opposition to Dr. Halio’s motion to dismiss violate Rule 11 of the Federal Rules of Civil Procedure because there is no basis to state a claim under the Racketeer Influenced and Corrupt Organizations Act (“RICO”).

Pursuant to the safe harbor provision under Rule 11, see Fed. R. Civ. P. 11(c)(2), we send this letter to provide you with the opportunity to withdraw the complaint with prejudice and remedy the Rule 11 violation within twenty-one (21) days. If you do not so withdraw the complaint within this period, we will file the enclosed motion for sanctions with the court.

If you have any questions or concerns, please do not hesitate to contact me directly at your convenience.

Dated: Jamaica, New York
April 12, 2024

Respectfully submitted,

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

Emanuel Kataev, Esq.
18211 Jamaica Avenue
Jamaica, NY 11423-2327
(718) 412-2421 (office)
(917) 807-7819 (cellular)
(718) 489-4155 (facsimile)
mail@emanuelkataev.com

*Attorneys for Defendant
David Halio*

Enclosures:

Notice of motion for sanctions with memorandum of law in support.

EXHIBIT B

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$4.40

\$0.00

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$2.59

\$0.00

Total Postage and Fees

\$

Sent To

Street and Apt. No. or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions

0241
26Postmark
HereAPR 12 2024
04/12/2024

Scanni & Hollenbeck, LLC, Attn: Daniel S. Bracher

29 Eighth Avenue, 25th Floor

New York, NY 10018